

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: October 7, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies, James Silva
Allan Loiselle-arrived at 8:15 p.m.

ABSENT: Dini Healy-Coffin

OTHERS

PRESENT: Steve Ledoux-Town Manager, Audience Members

Open Forum

Stephanie Sullivan, 2 Jessica Circle, announced a Walk for Education fundraising event to be held on October 19, 2003 at 1:00 p.m. The event will benefit the Westford Education Foundation.

Chen Hsiung Cheng, 11 Rome Drive, requested that the Town Highway Department plow the snow on Rome Drive this winter. Romeo informed Cheng that the Town's goal is to have emergency vehicle access throughout Westford. Romeo asked Cheng to contact Ledoux. Ledoux to contact the Highway Superintendent for a discussion regarding the snowplowing issue on Rome Drive.

Dave Levy, 354 Groton Road, announced an online auction beginning October 10th through October 28th to benefit Westford Networks for Education and Technology Partnership (Westnet). Levy distributed a Westnet newsletter to the Board.

John Marderosian, 15 Rome Drive, requested that the Town Highway Department plow the snow on Rome Drive this winter. Romeo asked Marderosian to contact Ledoux. Ledoux to contact the Highway Superintendent for a discussion regarding the snowplowing issue on Rome Drive.

Public Hearing – Continuation of Westford Auto Sales, 341 Littleton Road (Modification of Class II License)

Romeo opened the public hearing. Romeo announced that Attorney Howard Hall and the petitioner have requested a continuation of the public hearing. **It was moved by Silva, seconded by Jefferies, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to continue the public hearing to October 21, 2003.**

Continuation of Discussion on Redeeming Tax Foreclosed Property, Graniteville Road

This discussion was continued from the meeting of September 23, 2003 at which time the Board recommended that Joyce Corey, 250 Nesmith Street, Lowell, Massachusetts, seek legal counsel regarding the issue of redeeming tax foreclosed property. Romeo reported that Robert and Joyce Corey have retained Attorney Howard Hall. Romeo also reported that Attorney Hall has confirmed that the deadline to redeem the property is December 5, 2003. Ledoux reported that Attorney Hall has assured him that the Coreys will establish an escrow account for two years of taxes. Jefferies felt that the Board should grant the redemption and pointed out that the Town is not in the business of acquiring property by foreclosure. Silva was not inclined to redeem the property based upon past practices of nonpayment of taxes. Romeo agreed with Jefferies noting that the Coreys are willing to set up an escrow account. Romeo reminded the Board of the \$6M deficit the Town is facing and the importance of getting the outstanding taxes. Silva agreed to allow the Coreys to redeem the property as long as there is an escrow account established. **It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to allow Corey Steeplejack, Inc. to redeem the Graniteville Road property (Parcel 30, Map 78), conditional upon two (2) years of taxes in escrow being deposited with Attorney Howard Hall as escrow agent to ensure the timely payment of taxes to the Town of Westford and full payment of what they owe up front.**

Selectmen to Review Charge for Senior Center Wellness Committee

This discussion was continued from the meeting of September 23, 2003. Fred Magdalenski, 27 S. Chelmsford Road, was present. The Board reviewed the draft charge. Romeo recommended adding language to the charge relative to construction of center. Magdalenski reported that his group met with the Permanent Building Committee. Magdalenski requested that the Board establish a 5 member committee. Ledoux reported that the Permanent Building Committee is willing to work with the Senior Wellness Center Committee.

It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to establish the Senior Center Wellness Committee.

It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to appoint William Collins, Mary Eve Miller, Debra Vanderwerf, Fred Magdalenski and Don Menefee to the Senior Center Wellness Committee.

Chair of Community Preservation Committee (CPC) to Report from Community Preservation Committee (CPC)

Ingrid Nielson, Chairman of the CPC, announced the recommendations of the CPC for votes at the upcoming Special Town Meeting. The committee voted to recommend \$700,000 for the Town to purchase the Stepinski property; \$150,000 to the Conservation Trust Fund; \$4,000 to the Town's Record Preservation Committee; \$100,000 to the Westford Housing Authority for the Affordable Housing Buy Down Program; and 10% of the remaining historic funds to the Historic Reserve Fund. The Committee did not recommend subsidizing 18 affordable units in the proposed Abbot Mill residential development. The CPC will take a position at their next meeting on the citizens' petition to reduce the CPA surcharge from 3% to 1%.

Selectmen to Consider Adopting Early Retirement Incentive

Ledoux reported that after contacting all the Town employees under Middlesex Retirement System who would be eligible for early retirement, eight employees said they may consider early retirement. Ledoux outlined the assumed Replacement Salaries, Savings in Salary, Sick Buy Back, First Year Savings, Town's Share Health Insurance and First Year Costs/Savings. Ledoux stated that the Board can craft a specific retirement package and set the date for retirement. **It was moved by Silva, seconded by Jefferies, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to authorize Ledoux to send a letter on the Board's behalf to Senator Panagiotakos and Representative Hall to allow this Early Retirement Incentive to be at the local level on a yearly basis.** Liz Adams, Chairman of the Finance Committee, reported that the Finance Committee discussed the ERI and recommended not adopting it unless the Board is contemplating the elimination of positions from a financial standpoint. Ledoux pointed out that there is an opportunity for reorganization with some of the positions. **It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to adopt the Early Retirement Incentive, with five (5) years, limited to one position in the Building Department, one position in the Library, one position in the Fire Department, one position in the Highway Department, three cafeteria workers in the School Department and one Special Education Secretary, with an effective date of December 31, 2003.** Ledoux will notify the Finance Committee that there is a possibility for elimination or cutting back on some of the positions.

Westford Board of Selectmen – October 7, 2003

Page 4

Licenses/Permits

Banner Request – Boy Scout Troop 159 Winter Sporting Goods Sale November 1st – November 8th – It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 2 ABSENT (Healy-Coffin, Loiselle), to approve.

Auctioneer's License – Custom Liquidators of America d/b/a Newton Oriental Rugs for January 1, 2004, Franco American Club, West

Prescott Street – Romeo referenced a memo from the Governor’s Office regarding industrial accidents and the need for all parties seeking permits and licenses to carry valid worker’s compensation insurance. Romeo stated that Custom Liquidators does not have the appropriate insurance. Ledoux to send a letter to Custom Liquidators regarding proof of worker’s compensation insurance. Continued to a future meeting.

Easement Agreement with Mass Electric for Placement of Poles on Abbot School Grounds for Treatment Plant – Ledoux reported that he sent a letter to Mass Electric stating that this was under the School Department’s jurisdiction. Mass Electric indicated that the deed states “the inhabitants of the Town of Westford”. Mass Electric requested that the Board sign the easement. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to grant the easement.**

Franklin Property

Ledoux reported that the Town has received notice from Superior Court that judgment has been entered on three properties authorizing foreclosure of the mortgage.

Chairman of the Zoning Board of Appeals to Update Board of Selectmen on 40B Projects

Sam Frank, Chairman of the Zoning Board of Appeals, was not present.

Continued Discussion on Crescent Street Parcel

Continued from the September 23rd meeting. John Meandle, representing Erin and Joseph O’Connor of 6 Crescent Street, was present. Romeo referenced photographs of the parcel abutting 6 Crescent Street as provided by Mr. and Mrs. O’Connor. Ledoux stated that the Board needed to declare the land surplus and not needed by the Town. An assessment of the value of the property is also needed. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to declare the land surplus.**

Selectmen to Set Town Meeting Warrant

Romeo announced that the Board will set the Special Town Meeting warrant but will not take positions on the articles at this time. Ledoux read the list of

seventeen warrant articles from the updated version of the Special Town Meeting Warrant. Ellen Harde, Town Moderator, asked to correct the spelling on Article 16 to *Jennie Richards Road*. Loiselle was concerned with putting the controversial petition articles at the beginning of the meeting and the possibility of not having a quorum at the end of the meeting. Harde stated that she suggested putting the citizens’ petitions first in the order that they were received by the Town Clerk. Liz Adams, Chairman of the Finance Committee, reported that the Finance Committee has been discussing a resolution regarding the method of handling appropriations at Annual Town Meeting.

Kate Hollister, 25 Vine Brook Road, representing the Land Stewards Committee, asked for clarification regarding the Jennie Richards Road and Misty Lane article. Hollister stated that the trail easement for Misty Lane has been recognized for several years. Romeo stated that there is a dispute between neighbors regarding access to the trail.

Romeo also pointed out that there has been no transfer of the stewardship to the Conservation Commission. Ledoux stated that Town Counsel suggested transferring the trail to the Conservation Commission in order to clarify some of the vagueness. Ledoux to provide Town Counsel's opinion to Hollister.

Karen McManimon, 9 Misty Lane, asked the Selectmen to not put Misty Lane on the Warrant at this time and seek other action. McManimon stated that there are many unanswered questions that she would like addressed before Town Meeting takes any action. McManimon indicated that there are concerns regarding the meets and bounds and the seemingly disconnected trail. Ledoux suggested that the Board conduct a site visit. McManimon submitted survey information prepared by Meisner Brem Corporation.

Gerard Ottaviano, 5 Misty Lane, pointed out that Town Counsel's letter refers to the trails not being typical, i.e., under the care and custody of Conservation Commission and being maintained. Ottaviano felt that it was appropriate for the Board to visit the site. Ottaviano asked for information regarding who proposed the trail easement as well as the nature of the trail easement. Ottaviano stated that the trail is not used in the typical way by the community. Ottaviano also felt that there were liability issues the Town needed to be aware of because of the unsafe trail. Ottaviano asked why the easement is solely on one side of the property lines.

Romeo asked Ledoux to provide an advisory opinion from the Planning Board relative to the easement.

Ottaviano asked if putting the trail in the care and custody of the Conservation Commission would provide better maintenance of the trail.

Hollister suggested that the Board hold a separate meeting to discuss the trail. Hollister also suggested that the Board conduct a site visit.

Jefferies recommended a broader discussion of all the trails in Westford. Jefferies requested copies of the Planning Board plans that were recorded for this development. Ledoux to provide.

Tom Spuhler, Concord Road, trail steward, stated that Bill Harman did some research regarding the question of liability. Under State Law, there is no liability as long as there is no fee to access the trail or specific setting dangerous conditions. Spuhler stated that the Trail Steward Committee is eager to talk to the community about how trails are established.

Romeo suggested that Ledoux meet with the residents, the Trail Steward Committee and a representative of the Selectmen to discuss the various issues.

Rick McManimon, 9 Misty Lane, asked why Misty Lane and Jennie Richards Road are being combined in one town meeting warrant article.

Ledoux to coordinate a site visit.

It was moved by Loiselle to set the Warrant with Articles 1-15 and Article 17 leaving out Article 16 until another Town Meeting. The motion failed due to lack of a second.

Jefferies pointed out that the article can be divided later. Jefferies felt that by putting the article on the warrant the matter can be resolved in a timelier manner.

It was moved by Jefferies, seconded by Loiselle, and VOTED 3 IN FAVOR WITH 1 OPPOSED (Silva) and 1 ABSENT (Healy-Coffin), to set the Warrant as presented in the latest permutation of Articles 1-17. Silva felt that the petition articles should be at the end of the meeting in order to maintain a quorum.

The Board to take positions on the warrant articles on October 21, 2003.

Brookside Mill

Ledoux reported on a meeting he attended with Christine Pude, Director of the Housing Authority, and representatives of DHCD regarding the HOMES Grant for Brookside Mill. The HOMES Grant in the amount of \$83,000 has been awarded to the Westford Housing Authority along with another \$25,000 - \$30,000 (for soft costs) to purchase the three units in the Brookside Mill.

Minutes

It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of September 9, 2003.

Board Reports/Updates

Reid Farm Barn – Romeo reported on a meeting he attended with Ledoux, Peter Fletcher of the Planning Board, Ken Tebbetts of the Historical Commission and Mike Spanos of the Floral Arts business regarding the Reid Farm Barn. Romeo stated that the group came to an agreement and the barn will be moved on or before November 15, 2003. The Historical Commission is appropriating \$3,000 to facilitate the move.

Meeting Postings – Romeo reminded the community that the Selectmen, Planning Board, Zoning Board of Appeals and Affordable Housing Committee post their meeting dates on the calendar section of Westford.com.

League of Women Voters Forum – Romeo reported that the League of Women Voters will be hosting an Affordable Housing Forum on Monday, October 27, 2003, 7:30 p.m. – 9:00 p.m., at the J.V. Fletcher Library.

Affordable Housing Committee – Romeo reported that the Affordable Housing Committee will be meeting on Wednesday, October 15, 2003 at 7:15 a.m.

Cable Committee – Silva reported that Westford is hooked up for Broadband with access to cable modems and digital cable television.

Old Business/New Business

Land Court Case No. 116046 – Update for the Board’s review.

Hiring Freeze Waiver – Records Supervisor Police Department – Robert Welch, Police Chief, requested that the Board lift the hiring freeze for the Records Supervisor position. Welch outlined the duties associated with the position. Liz Adams, Chairman of the Finance Committee, asked if any other clerical personnel could do the job. Chief Welch stated that the duties are not spread out to other personnel, only the Records Supervisor performs the duties. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to lift the hiring freeze for the position of Records Supervisor in the Police Department.**

School Zone Lights – Ledoux referenced a memo from the Highway Superintendent which provided an estimated cost of \$14,000 for the installation of the school zone lights. Ledoux recommended a supplemental appropriation out of free cash under Article 5 at the upcoming Special Town Meeting. Jefferies asked Ledoux to check with the Permanent School Building Committee regarding funding. Ledoux to send a letter to the Permanent School Building Committee but will keep Article 5 as a fallback position.

Street Light Request – Endmoor Road – Request received from Georgia LeBlond, 63 Endmoor Road, requesting the installation of street lights on Endmoor Road at the corner of Newport Drive. Loiselle recommended getting input from other residents on Endmoor Road as to their preference for the street lights. No action taken by the Board.

Update on Shared Technology – Ledoux requested that the Board review the draft Memorandum of Understanding for Technology Partnership that he has been working on with the School Superintendent. Ledoux stated that he is trying to schedule a joint meeting with the Selectmen, School Committee and Finance Committee to discuss concerns and issues.

Integrated Pest Management Committee – Jefferies asked Ledoux to make sure that the Water Department, School Committee and other members attend the meetings.

Correspondence

Romeo read the list of correspondence.

10.4 Letter from Boxborough Board of Selectmen re: Regionalization/Shared Services of surrounding towns. Romeo suggested that members of the Selectmen and Committee for Efficient Town Government attend the meeting. Ledoux to provide a copy of the letter to the Committee for Efficient Town Government.

E-mail from Norman Khumalo, Assistant Town Manager, re: Draft Environmental Impact Report (DEIR) for Westford Tech Park West. Jefferies asked that comments be provided for the DEIR regarding the need for a level of service study on the 6 intersections mentioned in the DEIR.

Motion to Go Into Executive Session

The Board voted to go into executive session at 9:50 p.m. for the purpose of discussing collective bargaining with the Westford Police Association. A polling of the Board: Romeo-yes; Jefferies-yes; Loiselle-yes; Silva-yes; Healy-Coffin-absent. The Board to reconvene to regular session for the purpose of adjourning.

Open Items

- 10/7-1 Ledoux to discuss snowplowing on Rome Drive with Highway Superintendent.
 - 10/7-2 Ledoux to schedule continued public hearing on Oct 21 for Westford Auto Sales.
 - 10/7-3 Ledoux to send letter to Sen. Panagiotakos and Rep. Hall re: ERI incentive to be at local level on a yearly basis.
 - 10/7-4 Ledoux to notify FINCOM that there is a possibility for elimination or cutting back on some of the positions re: ERI
 - 10/7-5 Ledoux to send a letter to Custom Liquidators re: Worker's Comp Insurance.
 - 10/7-6 Ledoux to provide Town Counsel's opinion re: Misty Lane to Kate Hollister.
 - 10/7-7 Ledoux to provide an advisory opinion to the Board from the Planning Board re: Misty Lane trail easement.
 - 10/7-8 Ledoux to provide copies of Planning Board plans that were recorded re: Misty Lane.
- Westford Board of Selectmen – October 7, 2003 Page 9

Open Items, Continued

- 10/7-9 Ledoux to schedule meeting with Misty Lane residents, Trail Steward Committee, and BOS representative.
- 10/7-10 Ledoux to coordinate a site visit to Misty Lane.
- 10/7-11 Ledoux to send letter to PSBC re: funding for school zone lights.
- 10/7-12 Ledoux to provide a copy of letter from Boxborough Board of Selectmen to Committee for Efficient Town Government.

Reconvene to Regular Session and Adjournment

The Board reconvened to regular session at 10:20 p.m. It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to adjourn the meeting.

Steve Ledoux, Town Manager

Christopher Romeo, Chairman